



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

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Summary of Cases Accepted and Related Actions During Week of January 30, 2017

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#17-44 *Briggs v. Brown*, S238309. Original proceeding. The court ordered respondents Jerry Brown, Governor of the State of California, Xavier Becerra, Attorney General of California, and the Judicial Council of California to show cause why the relief sought by petitioners should not be granted. This case presents issues regarding the validity of the Death Penalty Reform and Savings Act of 2016 (Prop. 66, Gen. Elec. (Nov. 8, 2016)).

#17-45 *In re D.H.*, S239147. (A146126; nonpublished opinion; Contra Costa County Superior Court; J14-00673.) Petition for review after the Court of Appeal affirmed an order granting a petition to recall sentence. The court ordered briefing deferred pending decision in *In re C.B.*, S237801 (#16-384), and *In re C.H.*, S237762 (#16-395), which present the following issues: Did the trial court err by refusing to order the expungement of juvenile's DNA record after his qualifying felony conviction was reduced to a misdemeanor under Proposition 47 (Pen. Code § 1170.18)? Does the retention of juvenile's DNA sample violate equal protection because a person who committed the same offense after Proposition 47 was enacted would be under no obligation to provide a DNA sample?

#17-46 *People v. Garcia*, S239223. (B264873; nonpublished opinion; Los Angeles County Superior Court; MA063683.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Buycks*, S231765 (#16-19), which presents the following issue: Was defendant eligible for resentencing on the penalty enhancement for committing a new felony while released on bail on a drug offense even though the superior court had reclassified the conviction for the drug offense as a misdemeanor under the provisions of Proposition 47?

#17-47 *People v. Hernandez*, S238460. (H042275; nonpublished opinion; Santa Clara County Superior Court; C1356313.) Petition for review after the Court of Appeal affirmed judgments of conviction of a criminal offense. The court ordered briefing deferred pending decision in *In re Ricardo P.*, S230923 (#16-41), which presents the following issue: Did the trial court err imposing an “electronics search condition” on minor as a condition of his probation when it had no relationship to the crimes he committed but was justified on appeal as reasonably related to future criminality under *People v. Olguin* (2008) 45 Cal.4th 375 because it would facilitate his supervision?

#17-48 *People v. Medrano*, S238692. (F068714, F069206; nonpublished opinion; Tulare County Superior Court; VCF282470.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Mateo*, S232674 (#16-147), which presents the following issue: In order to convict an aider and abettor of attempted willful, deliberate and premeditated murder under the natural and probable consequences doctrine, must a premeditated attempt to murder have been a natural and probable consequence of the target offense? In other words, should *People v. Favor* (2012) 54 Cal.4th 868 be reconsidered in light of *Alleyne v. United States* (2013) __ U.S. __ [133 S.Ct. 2151] and *People v. Chiu* (2014) 59 Cal.4th 155?

#17-49 *People v. Pinkston*, S239144. (B268633; nonpublished opinion; Los Angeles County Superior Court; TA062346.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Chaney*, S223676 (#15-13), and *People v. Valencia*, S223825 (#15-14), which present the following issue: Does the definition of “unreasonable risk of danger to public safety” (Pen. Code, § 1170.18, subd. (c)) under Proposition 47 (“the Safe Neighborhoods and Schools Act”) apply on retroactivity or other grounds to resentencing under the Three Strikes Reform Act of 2012 (Pen. Code, § 1170.126)?

STATUS

#17-40 *In re Guioamar*, S238888. The court directed briefing in this case, in which briefing was previously deferred pending decision in *People v. Buycks*, S231765 (#16-19). The case presents the following issue: Was defendant eligible for resentencing on the penalty enhancement for failure to appear after being released on bail on a felony charge that was later reduced to a misdemeanor?

In the following cases, in which briefing was previously deferred pending decision in *People v. Buycks*, S231765 (#16-19), the court ordered briefing deferred pending decision in *In re Guioamar*, S238888 (#17-40):

#15-210 *People v. Eandi*, S229305.

#15-211 *People v. Perez*, S229046.

#16-172 *People v. Ferguson*, S233596.

#16-195 *People v. Strickland*, S233933.

#16-341 *People v. Jewkes*, S236685.

#17-17 *People v. Enquist*, S238804.

#17-18 *People v. Sulitswalley*, S238539.

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The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.